

## Section 413. Historic Preservation

### 413-1. PURPOSE AND INTENT

The purpose of this Section is to provide a legal framework within which the residents of the City of Saco can protect the historic, architectural and cultural heritage of historically significant areas, landmarks and sites in the community while accepting compatible new construction. The heritage and economic well-being of the city will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings for the education and welfare of the citizens of the City of Saco. The intent of this ordinance is to in every way possible assist property owners to maintain the architectural integrity of the district.

Once destroyed, architectural history cannot be replaced. To prevent such losses, the intent of this Section is to:

- 1) Protect, preserve and enhance the outward appearance and architectural features of structures within designated districts or designated sites or landmarks.
- 2) Prevent the demolition or removal of significant historic buildings or structures within designated districts or designated sites or landmarks.
- 3) Preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings and structures.
- 4) Accept new buildings and structures in designated districts, which are designed and built in a manner which is compatible with the character of the district.
- 5) Promote the educational, cultural, economic and general welfare of the people of the City. (Amended 3/2/87; 3/7/94; 8/22/94; 1/17/95; extensively 11/19/07)

### 413-2. DEFINITIONS

As used in this section, the following terms have the following meanings, unless the context indicates otherwise:

**Altered:** The word altered includes "rebuilt", "reconstructed", "rehabilitated", "restored", "removed", and "demolished".

**Appropriate:** Shall refer to those changes in historic properties, landmarks, buildings, structures or sites within historic overlay zones, or sites or landmarks, which are not incongruous with what is historically and architecturally significant as determined by the Commission.

**Building:** A combination of materials forming a shelter that may be used for persons, animals, or property.

**Certificate of Appropriateness:** The permit indicating compliance with Section 413, the historic preservation section of the Saco Zoning Ordinance.

**Commission:** The commission acting as the Historic Preservation Commission established in 413-3.

**Conflict of interest:** Shall be construed to mean direct or indirect pecuniary benefit to any person, including regular and associate members of the Commission or member of the person's immediate family (i.e., related by blood or marriage) or to his employer or the employer of any member of the person's immediate family; or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the interests of those for whom the law authorized and required him to act.

**Contributing structure:** A structure located within a designated historic district and identified as contributing to the historical or architectural significance of said district.

**Demolition:** The razing of a building or a structure or the removal of any exterior architectural feature or structure or object.

**District:** See "Historic District".

**Exterior architectural feature:** The architectural style and general arrangement of the exterior of a building or structure, including, but not limited to:

- 1) the kind, type, and texture of the building materials;
- 2) the type and style of all windows, doors, lights, dormers, roofs, gable cornices, porches, decorative trim, etc.;
- 3) the location and treatment of any vehicle access or parking space;
- 4) the design of any sign; and
- 5) the arrangement of any fencing.

**Historic** (adj.): Important in or contributing to history.

**Historic district:** A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or landmarks united by events or aesthetically by plan or by physical development and designated in accordance with the requirements of this Section as appropriate for historic preservation. Such historic districts may also comprise an individual Historic Landmark or Historic Site separated geographically, but linked by association or history.

**Historic landmark:** Any improvement, building or structures of particular historic or architectural significance to the City relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history as may be designated in accordance with this Section.

**Historic site:** Any parcel of land of special significance in the history of the City of Saco, and its inhabitants, or upon which a historic event has occurred, including prehistoric and archeological sites, and which has been designated as such in accordance with this Section. The term "historic site" shall also include any improved parcel, or part thereof, used as and constituting part of the premises on which an historic landmark is situated as may be designated in accordance with this Section.

**Historic significance:** A building, structure or site possesses historic significance if it embodies one or more of the six qualities outlined in Section 413-4. Any building classified as non-contributing is not considered to possess historical significance.

**Historic district(s):** The district(s) established in 413-5 or amended in accordance with the procedures detailed in 413-6 and having one or more of the qualifications outlined in 413-6.

**Materials and texture:** The exterior surface material of a building or structure, including but not limited to, brick, stone, wood or slate.

**Site:** See Historic Site

**Rhythm:** Characterized by the regular recurrence of strong and weak elements.

### 413-3. HISTORIC PRESERVATION COMMISSION

#### 1) APPOINTMENT

Members of the Historic Preservation Commission shall be appointed by the Mayor and approved by the City Council.

#### 2) QUALIFICATIONS

The Commission shall consist of five (5) regular members, and five (5) associate members. All members shall be residents of the City of Saco. Appointments shall be made on the basis of demonstrated interest, knowledge, ability, experience and desire to promote historic preservation in the City of Saco within the meaning of Section 1 of this Ordinance. To the extent available, the members shall have architectural design skills or other skills related to historic preservation, such as history, architectural history, landscape architecture, planning, engineering, law, archaeology and building construction, and should include a member of the Saco Historic Society. Regular and associate members shall serve without compensation.

#### 3) REGULAR MEMBERS

The regular members who are first appointed shall be designated to serve terms beginning July 1 and ending June 30 as follows: One for one (1) year, two for two (2) years, and two for three (3) years from the date of their appointment. Thereafter, said Commission Members shall be appointed for terms of three (3) years, except in those instances in which the appointment is made to fill a vacancy, in which case the appointment shall be for the remainder of the unexpired term. The Mayor shall act within 60 days to fill a vacancy, including expired terms. Regular members may be reappointed.

#### 4a) ASSOCIATE MEMBERS

Membership should include a resident of the historic district. Associate members who are first appointed shall serve terms beginning July 1 and ending June 30 as follows: One for one (1) year, two for two (2) years, and two for three (3) years from the date of their appointment. Thereafter, said Associate members shall be appointed for terms of three (3) years, except to fill a vacancy, in which case it will be for the remainder of the unexpired term. They shall participate in all hearings and discussions. They shall vote only if the Chairman appoints an associate to act in

place of the regular member who is absent, has resigned, or has been disqualified because of conflict of interest. Associate members may be reappointed.

4b) **ADVISORY MEMBERS**

In addition to the regular and associate members of the Commission, the City Council may appoint other persons, not necessarily residents of the City of Saco, who shall serve on an advisory or consultant basis to assist the members of the Commission in the performance of their functions.

5) **REMOVAL**

Any regular or associate member may be removed for cause by the City Council upon written charges after a public hearing.

6) **OFFICERS AND QUORUM**

Such commission shall elect annually a chairperson, and vice chairperson from the regular members. Four members shall constitute a quorum for the transaction of business before said Commission, but if less than quorum, the meeting shall be adjourned. The planning office shall maintain a permanent record of the activities of the Commission, including but not limited to, such items as the number and type of cases reviewed and their disposition, new designations of historic sites, landmarks and districts made, resumes of Commission Members, attendance records, appointments to the Commission, correspondence and minutes of all meetings. This duty may be delegated to the City Planning Department, which shall be the authorized agent of the Historic Preservation Commission, to whom the Commission may delegate any duties.

7) **PROCEDURE**

The Commission may adopt and may amend rules of procedure.

8) **MEETINGS**

All meetings of the Commission shall be publicly announced, open to the public and have a previously available agenda. Public notice shall be provided prior to any special meetings of the Commission.

9) **DUTIES**

The duties of the Commission, at a minimum, shall be to:

- a) Advise, and inform City officials and owners of historic buildings, structures or sites, on physical and financial aspects of preservation, renovation, and rehabilitation.
- b) Advise and inform owners in complying with the requirements of this Section.
- c) Make recommendations for establishing historic districts, historic sites, or historic landmarks.

- d) Review all proposed additions, reconstruction, alterations, construction, removal, or demolition of properties designated under the jurisdiction of Section 413 of the Saco Zoning Ordinance.
- e) Review all proposed National Register nominations in Saco.
- f) Serve an advisory role to city officials regarding local historical and cultural resources, and act as a liaison between local government and those persons and organizations concerned with historic preservation.
- g) Conduct or cause to be conducted a continuing survey of local historic and cultural resources, in accordance with Maine Historic Preservation Commission guidelines.
- h) Work to provide continuing education on historic preservation issues to local citizens
- i) Undertake other duties as deemed necessary or desirable by its members to advance the purposes of this Section.
- j) Cooperate with federal, state and city officials in the pursuance of the objectives of historic preservation.
- k) Participate in land use planning efforts of the city, state and federal government.

#### 10) GIFTS, GRANTS, FUNDING

The Historic Preservation Commission may, subject to appropriations by the City Council or other income, employ clerical and technical assistants or consultants, and may apply for and accept grants, money gifts, or gifts of services, and may hold or expend the same for all or any of the purposes of historic preservation in the City of Saco. A non-lapsing fund for gifts and grants shall be established by the City's Finance Director. Appropriations from the City Council shall be managed in accord with city policies and lapse each year if unexpended.

(Amended 3/2/97)

#### 413-4. QUALIFICATIONS FOR HISTORIC DISTRICTS, SITES AND LANDMARKS

The historic districts, historic sites or historic landmarks established in accordance with this Section shall have one or more of the following characteristics and qualifications, without limitations as to cultural or chronological period:

##### 1) HISTORY OF SACO

Structures, buildings or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Saco and the nation, including sites or buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage.

##### 2) PERSONS

Structures, buildings or sites associated with important historic personages.

3) IDEAS

Structures, buildings or sites associated with important historic examples of a great idea or ideal.

4) ARCHITECTURE

Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style or method of building construction, of community organization and living, or landscaping; of a single notable structure or a single site representing the work of a master builder, master designer, architect or landscape architect.

5) VISUAL CONTINUITY

Structures or buildings contributing to the visual continuity of the historic district.

6) NATIONAL REGISTER

Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

#### 413-5. ESTABLISHMENT OF HISTORIC DISTRICT, HISTORIC SITES OR HISTORIC LANDMARKS

1) PRELIMINARY PROCEDURES

The initial establishment of historic districts, historic sites or historic landmarks shall be done by amendment to 413-6 and shall overlay the districts created by Section 403. The City Council, the Planning Board, the property owner(s) or the Commission itself may initiate action to amend 413-6. Subsequent action to add new districts, or expand existing historic district(s) shall be done in the same manner. Any person seeking to add or expand historic districts, sites, or landmarks shall request the amendment in writing to the Commission. Any proposal by the Council or Planning Board shall be referred to the Commission for comment before Council action. After receiving the Commission's recommendation concerning the request, the City Administrator shall place it on the agenda of the City Council to act on the request. Any application or designation of buildings, structures, sites and districts shall be in writing and include the following as appropriate:

a) DESIGNATION OF BUILDING, STRUCTURES AND SITES FOR HISTORIC PRESERVATION SHALL INCLUDE:

- i) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure or

site, including a consideration of scale, materials, workmanship and spatial qualities, as relevant.

- ii) A concise statement of how the building, structure or site meets the review criteria of 413-4 above.
- iii) Exterior photographs of the building or structure, or a site map, illustrating significant details described in i), above. In addition, the Commission may request photographs of interior articles of particular historic significance. These interior photographs may be provided by the applicant on a voluntary basis and are not required submissions.

b) DESIGNATION OR EXPANSION OF DISTRICTS FOR HISTORIC PRESERVATION SHALL INCLUDE:

- i) A concise statement of the physical elements which justify making this area a historic district and a description of building types and architectural styles and periods represented.
- ii) A concise statement of how the district meets the review criteria of 413-4 above.
- iii) An explanation of the boundaries of the district.
- iv) A definition of the types of structures that do not contribute to the significance of the district and an estimate of the number of non-contributing structures.
- v) A map showing the location of all district structures with an identification of contributing structures.

2) STUDIES, RECOMMENDATIONS

Before making its recommendation concerning the proposed establishment or expansion of a historic district, historic site or historic landmark, the Commission may conduct studies and research of the proposal. The Commission will make a report to the City Administrator on every request received within 6 months. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission in Augusta for review.

3) PUBLIC HEARING, FINAL REPORT

Before a final report is made to the City, the Historic Preservation Commission shall hold a public hearing on the request, after due notice is provided at least seven days prior to the hearing in a newspaper of general local circulation. Written notice of the proposal shall be given to the applicant, owners of all property to be included within the proposed designation, and abutting property within a 200 foot radius of the property under consideration. Not later than thirty (30) days after the public hearing, the Commission shall submit a final report to the City Council.

4) ACTION BY THE CITY COUNCIL

After receipt of the Commission's recommendations, as provided above, the City Council shall consider said proposed designation and approve or disapprove the request. Within twenty (20) days after the designation of any historic district, historic site or historic landmark, the owner of each property so designated shall be given written notice.

5) **APPLICABILITY OF THIS ORDINANCE**

All land, buildings or structures within a historic district are subject to the requirements of this ordinance after a district has been designated by the City Council. All historic sites and landmarks are subject to the requirements of this ordinance after they have been so designated by the City Council.

**413-6. HISTORIC DISTRICTS, HISTORIC SITES AND HISTORIC LANDMARKS DESIGNATED**

The following described lands, buildings, structures, or areas of the City are designated historic districts, historic sites or historic landmarks as follows:

1) **Districts**

Beginning at Thornton Academy on the north end of Main Street the district takes in the grounds surrounding the Academy and the football field on the opposite side of the street. It then takes in all properties on both sides of Main Street as far south as 146 Main. Beginning at the intersection of Main and North Streets it includes all properties on both sides of North Street as far as the Boston and Maine railroad tracks. All properties on both sides of Vernon Street and Cross Street are included, all properties on the north side of Cutts Avenue, and properties on both sides of Elm Street from the intersection of Elm Street and Main Street to the intersection of Elm Street and Cutts Avenue are included. All buildings in Pepperell Square are included. The full width and depth of all lots, except for a portion of the Thornton Academy campus, as depicted on the official zoning map are included for all properties. (Amended 6-17-02)

Also, all lots on the north side of Beach Street beginning at Middle Street Extension to Winter Street, except for Memorial Field, where the boundary is an extension of the rear lot line of Map 32 Lot 113; on Winter Street, Map 32, Lot 117; on the south side of Beach Street from Map 32, Lot 98 on Beach Street east to James Street, including Pepperell Park, defined for this purpose as Map 32, Lot 65, but not including Fairfield School and three feet of land around it. The full depth and width of all the lots, except for the Fairfield School exception noted above, as depicted on the official zoning map, are included. In the case of any discrepancies between the boundaries of the district as described above and the map, the map shall have precedence. (Amended 1-17-95, 6-17-02, 11/19/07)

Also, the following lots on Middle and School streets, Map 31, Lots 6, 7, 7-1, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 55 (limited to the portion which is the location of the original Wardwell Home), 63, 64, 65, and Map 32, Lots 89, 90, 91, 92, 94, and



96.

Also, Map 38, Lot 183.

2) Sites

3) Landmarks

#### 413-7. USES PERMITTED

Uses permitted in historic districts, historic sites or historic landmarks shall be those set forth in Section 410, for the zone in which such district, site or landmark is located.

Determinations of permitted and conditional uses shall continue to be within the authority of the code enforcement office, the Planning Board (for conditional uses), and the Zoning Board of Appeals, for appeals of the code enforcement officer's and Planning Board's decisions, to the extent that those appeals are authorized under the zoning ordinance.

#### 413-8. CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness issued by the Commission shall be required for any of the following:

- 1) New construction of a principal or accessory building visible from a public street where such building will be located in a historic district, or upon a historic site.
- 2) Demolition of a historic landmark or demolition of any building or portion of any building, including the removal of architecture features from an historic landmark or a contributing building in a historic district.
- 3) Moving an historic landmark or any building located in a historic district.
- 4) Additions, alterations, or reconstruction, including porches and steps to existing buildings within a historic district or a historic site where such addition would be clearly visible from a public way.
- 5) New signs placed in a historic district or a historic site or historic landmark.
- 6) New construction of walls, fences and parking lots in an historic district within 75 feet of and clearly visible from a public way.
- 7) Sandblasting of brick or stone buildings.

#### 3) MAJORITY VOTE

After a quorum of the voting members has been established in accordance with 413-3(6), an affirmative vote of at least 3 of the quorum shall be required to issue a Certificate of Appropriateness.

#### 4) BUILDING PERMITS

In any historic district and with respect to any historic site or historic landmark, no building permit shall be issued for any construction, alteration, or demolition until

a corresponding Certificate of Appropriateness, where required by this section, has been issued by the Historic Preservation Commission.

#### 413-9. APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

##### 1) APPLICATION FORMS, FEES

Application for a Certificate of Appropriateness shall be obtained from the City Planning Department. No fee is required for a certificate of appropriateness application.

##### 2) APPLICATION PROCEDURE

A completed application for a Certificate of Appropriateness shall be submitted to the City Planning Department which shall verify that the requirements of (3), below, have been met, then date it and transmit such application to the Historic Preservation Commission for action. The Commission shall consider each completed application within twenty-one (21) days of the date of submittal of a complete application and within fifteen (15) days following, approve, approve the application with modifications, make recommendations for modifications to the application, or deny the application. By mutual written consent of the Commission and the applicant, the review period may be extended. When the Commission acts on the application, it shall notify the Code Enforcement Officer.

##### 2a) ALTERNATIVE PROCEDURE FOR REVIEW OF INSTALLATION OR ALTERATION OF ANY EXTERIOR SIGN; MINOR ALTERATIONS; AND TEMPORARY ALTERATIONS.

In order to process Certificates of Appropriateness more efficiently, applications for minor alterations shall be reviewed by the City Planning Department rather than the Historic Preservation Commission. The City Planning Department shall review the application to the standards of Section 413 and approve the application, approve it with modifications or deny it within 10 working days of receiving a complete plan. No public hearings or abutter notices are required for applications reviewed under this section. If the department has not acted within 10 working days the applicant may seek approval from the Commission, rather than the department. Inaction by the City Planning Department does not constitute approval or disapproval of the plan.

If the applicant is not satisfied with the determination of the department, the applicant shall be permitted to have the entire application reviewed by the Commission. The City Planning Department can, for any reason, forward any minor alteration to the Commission for review. The department shall provide the Commission with written notice of any action.

For purposes of this section only, temporary is defined as either a one-time occurrence that does not exceed thirty (30) days or as an annual occurrence that does not exceed one thirty (30) day period each year.

Minor alterations are defined as incidental changes or additions to a building or site features which will neither result in substantial changes to any significant historic features nor obscure such features. In no event shall any change be deemed minor when, in the determination of the Planning Department, such change shall alter the historic character of the building or site.

### 3) APPLICATION CONTENTS

The application shall state the location, use and nature of the matter for which such application is sought and shall contain at least the information or documentation outlined in paragraphs a through h of this section. The Commission may waive any application requirement if it determines that it is not necessary to an application.

- a) The applicant's name, address, and interest in the subject property. If not representing the owner, the applicant shall provide evidence of right, title, or interest in the property.
- b) The owner's name and address, if different from the applicant's, and the owner's signature.
- c) The address and the tax map and lot number.
- d) The present use and zoning classification of the subject property.
- e) A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the Certificate of Appropriateness.
- f) A scale drawing or drawings of the exterior architectural features indicating the design, texture, and location of any proposed alteration, reconstruction, maintenance or new construction for which the Certificate is being applied. As used herein, drawings shall mean plans or exterior elevations drawn to scale, with sufficient detail to show as far as they relate exterior appearances, the architectural design of the building(s), including materials and textures including samples of exterior materials. Drawings shall be clear, complete and specific.
- g) Photographs of the building involved and of adjacent buildings.
- h) A site plan indicating improvements affecting appearance such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements.

## 413-10. ADMINISTRATIVE PROCEDURES

### 1) NOTICE TO APPLICANT AND ABUTTERS

Prior to consideration of a Certificate of Appropriateness, the city shall inform the applicant and mail a notice to all persons owning abutting property of the application. This section, however, shall not apply to applications heard under Section 413-9-2a. For purposes of the notice required hereunder, the owners of property shall be considered to be those against whom municipal taxes for real estate are assessed. Failure of any person to receive notice shall not necessitate another hearing or invalidate any action by the Commission.

2) HEARING

The Commission will hold a public hearing on each application before it. Applications under Section 413-9-2a do not require a public hearing. A notice of the hearing will be mailed to abutters and posted at City Hall at least five days before the public hearing. In the case of an application for a new building or an addition of over \$1,000 estimated value, or in the case of the demolition of any building, a hearing notice shall be placed in a newspaper of general circulation.

3) APPROVAL

If the Commission determines that the proposed construction, reconstruction, alteration, moving, or demolition meets the standards of this ordinance and is therefore appropriate, it shall approve a Certificate of Appropriateness and the City Planning Office shall notify the applicant and code enforcement officer in writing of the determination and any conditions of approval. (Amended 8-22-94)

4) DISAPPROVAL

If the Commission determines that a Certificate of Appropriateness should not be issued, it shall make findings describing how the application does not meet the standards of the ordinance. However, in order to prepare more detailed findings, the Commission may postpone the decision for up to two weeks or allow itself up to an additional two weeks to prepare and adopt more detailed findings. The City Planner shall notify the applicant and the Code Enforcement Officer within 10 days of the final determination. (Amended 8-22-94)

5) APPEALS

An appeal from the final decision of the Commission as to any matter over which it has final authority may be taken by any party or person aggrieved within 30 days from the date of the decision to the Zoning Board of Appeals.

6) TIME LIMITS ON CERTIFICATES OF APPROPRIATENESS

If substantial construction is not commenced within six months of the issuance of a certificate of appropriateness, the approval shall be null and void. The deadline may be extended for one additional six (6) month period by the Planning Department upon the written request of the applicant. The written request for an extension must be submitted before the date of expiration of the approval. After the approval has

expired or an extension denied, the applicant may reapply for site plan review at any time without prejudice. The extension shall be approved by either the Planning Department or the Commission, as outlined above, unless:

- a. additional information that indicates that the plan does not meet the standards of the zoning ordinance;
- b. failure to meet a condition of approval;
- c. an amendment in the zoning ordinance that prohibits or alters the proposed project.

#### 413-11. STANDARDS OF EVALUATION

The standards and requirements in the U.S. Secretary of the Interior's "Standards for Rehabilitation", as revised in 1990 (36 CFR Part 67, Historic Preservation Certifications), as well as the standards of subsections 413-11-2 and 413-12-3 below, shall be used in review of applications for Certificates of Appropriateness. Design consideration and structural factors related to maintaining historic structures in good condition shall be the Commission's primary area of focus. Every reasonable effort shall be made to provide a compatible appearance for new or renovated buildings, structures, and yards in the historic preservation district, or to maintain the integrity of existing buildings, structures or grounds, giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds.

The standards of Section 413-11-5-d shall apply to demolitions.

The following standards shall apply:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new

feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials, subject to Section 413-12. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## 2) VISUAL COMPATIBILITY FACTORS

Within historic districts and on historic sites, new construction, additions to existing buildings or structures and existing buildings and structures and appurtenances thereof which are moved, reconstructed, materially altered, repaired or changed through new exterior surfaces shall be visually related generally in terms of the following factors:

### a) HEIGHT

In addition to complying with the height standard of Table 412-1 and the height waiver standards of Section 412-5, the height of a proposed building or addition shall be visually compatible with surrounding structures when viewed from a public street.

### b) WIDTH

The width of the building shall be compatible with buildings, structures and open spaces to which it is visually related.

### c) WINDOWS AND DOORS

The relationship of windows and doors in a building shall be compatible with those windows and doors of buildings to which the building is visually related particularly to adjacent historic buildings of the same period.

### d) RELATION OF SOLIDS TO VOIDS IN FRONT FACADES

The relationship of solids to voids in the front facade of a building shall be compatible with that of buildings to which it is visibly related.

### e) RHYTHM OF SPACING OF BUILDINGS ON STREETS

The relationship of the building to the open space between it and adjoining buildings shall be compatible with those of buildings to which it is visually related.

f) RHYTHM OF ENTRANCE AND/OR PORCH PROJECTION

The relationship of entrance and porch projections to sidewalks of a building shall be compatible with those buildings to which it is visually related.

g) RELATIONSHIP OF MATERIALS AND TEXTURE

The relationship of materials and texture shall be compatible with that of predominant materials used in buildings to which it is visually related.

h) ROOF SHAPES

The roof shape of a building shall be compatible with that of buildings to which it is visually related.

i) SCALE OF BUILDINGS

The size of a building, the building mass in relationship to open spaces, the windows, door openings, porches and balconies shall be compatible with those characteristics of buildings and spaces to which it is visually related.

j) DIRECTIONAL EXPRESSION OF FRONT ELEVATION

A building shall be compatible with the building, squares and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

3) CONSTRUCTION OF NEW BUILDINGS AND STRUCTURES IN HISTORIC DISTRICTS

In addition to the standards above, the construction of a new building or structure or an addition to an existing building or structure within a historic district or on a historic site shall be generally of such design, form, proportion, mass, configuration, building material, texture, and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with area.

4) SIGNS

General: Signs shall be governed by the standards of Section 707, Signs, and this section. If there is any conflict, the stricter standards shall apply. All signs, either new or upon alteration, require a Certificate of Appropriateness.

Contemporary signage needs shall be met with signs designed to be consistent with the architectural style of a building, respectful of neighboring buildings, and carefully designed to fit the facade in the case of attached signs. The design shall take into account the scale, character and design of the building, the traditional location of signage on area buildings, the location of existing sign boards, lower cornices, lintels, and other architectural elements, and the opportunity to use signage as an element to enhance the appearance of building entrances. Materials and workmanship shall convey a sense of permanence and durability.

a) Location

Wall signs generally shall be located no higher than the window sill line of the second story. The use of a continuous sign-band extending over adjacent shops within the same building is encouraged as a unifying element. Where signage is proposed on street level windows, such signage should not substantially obscure visibility through the window.

b) Design

The size of signs and letters shall be at an appropriate scale for pedestrians and slow-moving traffic. Typefaces which are simple, easy to read, and scaled appropriately for both the sign and building shall be used. Pictographs (such as a projecting sign in the shape of a key for a lock shop), can be an appropriate feature if consistent with the standards of the ordinance.

c) Illumination

Generally signs, if illuminated, shall be illuminated from a shielded, exterior source. The light source should be concealed from direct view. However, the Historic Preservation Commission, (but not the Planning Department) may approve certain special illuminated signs. Special situations, such as marquees or special uses such as cultural events or public activities may be appropriate exceptions where sensitively designed.

d) Additional Guidelines for Special Categories of Signs:

1. Awnings, Canopies and Marquees: The shape and size of these devices shall correspond to the shape, character and size of the opening over which they will be installed, and fully fill the width of the individual window or door opening. Besides the signs standards of this ordinance, these sign types and all advertising signs, must comply with all other historic ordinance design standards.
2. Painted Wall Signs: Painted wall signs such as business names may be appropriate if designed in conformance with this ordinance.
3. Outdoor Murals: Painted walls such as murals and trompe l'oeil (suggestive of architectural or other three dimensional objects) scenes shall be used only to enhance the streetscape, not for advertising purposes.

5) DEMOLITION OR REMOVAL

a) SCOPE

The following provisions apply to any proposal involving the demolition, moving, or removal of any historic landmark, or any building or structure, or any appurtenance thereto, in a historic district. The purpose of this paragraph is to further the purposes of the Section by preserving historic buildings which are important to the education, culture, traditions, and the economic value of the city, and to afford the City, interested persons,



historic societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings. Furthermore, the purpose of this section is to afford the city, and Historic Preservation Commission, other preservation organizations and others interested in preservation, the opportunity to acquire or arrange for the preservation of historic buildings and structures, or important portions and features thereof or the proper removal of historic artifacts, or the proper recordation of the building, structure and/or site.

b) PROCEDURE

Any person proposing any activity falling within the scope of this paragraph shall first file an application for a Certificate. In addition to the regular submissions under Section 413-9, the applicant shall also submit evidence which supports one or more of the approval standards of sub-section d below. This might include evidence from a structural engineer, an architectural historian, an appraiser, or other qualified expert.

c). STAY At the hearing on an application to relocate or demolish a Contributing Building in an Historic Preservation District, or an Historic Landmark , or an Historic Site, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If, ten days prior to the expiration of the delay period the Commission finds that there are still reasonable alternatives to explore the Commission may continue the delay for an additional period of up to 60 days. The purpose of the delay is to find alternatives to demolition, such as:

- assisting in securing funding to preserve in place the building, structure, or important portions and features thereof; or
- finding other ways to preserve the building or structure, such as outright purchase of the property when feasible, or relocation; or
- proper recordation of buildings, structures and sites including photography and narrative report; or
- preservation of historic artifacts.

d) STANDARDS OF APPROVAL In order to approve an application for the relocation or demolition of a Contributing Building in an Historic Preservation District, or of an Historic Landmark or an Historic Site, the Commission must find that the proposal meets one of the following standards of approval:

1. Not a contributing structure in the historic district nor an historic landmark or site. The determination of what is a contributing structure is based on “Saco Historic Resources Inventory”, marked “(late 1999)”, and “The Middle Street-School Street Area – April 7, 1997”.
2. The Commission determines that the building or structure is not of historical significance;

3. The building or structure, or predominant portions thereof has been determined by the chief Code Enforcement Officer to represent an immediate hazard to the public health or safety because of severe structural deficiencies, which hazard can not be abated by reasonable measures.

4. No prudent and feasible alternative exists, or

5. The property is deteriorated beyond repair.

e) **CONDITIONS OF APPROVAL** In approving an application for the demolition of a contributing building in an Historic Preservation District, or an Historic Landmark or Historic Site, the Commission may impose the following conditions:

1. Photographic, video, or drawn recordation of the property to be demolished, and/or

2. Reasonable salvage and curation of significant elements, and/or

3. Other reasonable mitigation measures.

f) **HAZARD BUILDINGS** No provision in this ordinance shall be construed to prevent the alteration, demolition, or relocation of a building, when the chief Code Enforcement Officer certifies that such action is required for the public safety.

#### 413-12. ORDINARY MAINTENANCE; SAFETY

Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of any historic landmark which does not involve a change in the design, material, or outward appearance thereof. Paint color and the preparation of a wooden building for painting, and the construction of legally required ramps for access by the handicapped, shall be specifically excluded from the scope of this Section.

Nothing in the Section shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants.

#### 413-13. APPEAL; HARDSHIP

An appeal from the final decision of the Commission may be taken by any party or person aggrieved to the Zoning Board of Appeals within 30 days from the date of the decision.

#### 413-14. CONFLICT WITH OTHER ORDINANCES

This Section shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, law, regulation or bylaw. Where this Section imposes a higher and/or stricter standard, the provisions of this Ordinance shall prevail.

#### 413-15. AMENDMENTS

The City Council, the Planning Board, or the Commission itself may initiate action to amend this Section. The request to amend shall be referred to the Commission for a report within 90 days thereon. The Commission shall hold a public hearing before the report is made to the City Council. Notice of the hearing shall be made public by notice in a newspaper of general local circulation at least 7 days before the public hearing. The Planning Board shall also make a recommendation to the City Council.

(End Historic Preservation)